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VIA FAX
Hon. Denny Chin
United States District Court
U.S. Courthouse
500 Pearl Street
New York, NY

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

Re: Liberty Mutual Ins. Co., et al. v. Hurlbut, et al., 08-CV-7192 (DC)

Dear Judge Chin:

This office represents the defendants in the above referenced case. As indicated in the recent correspondence from the parties, defendants seek leave to move to dismiss the complaint and plaintiffs seek leave to move for summary judgment. The parties have discussed and agreed upon a proposed briefing schedule that will present these motions in the most efficient manner possible, without burdening the Court with repetitive briefing. This briefing schedule will not alter the current schedule for plaintiffs' motion for a preliminary injunction, which provides that defendants' opposition is due on August 26, plaintiffs' reply is due on September 3, and oral argument will be held on September 5.

In addition to that schedule, the parties propose the following schedule: defendants will submit their motion to dismiss together with their papers in opposition to the preliminary injunction motion on August 26, plaintiffs' will oppose the motion to dismiss and move for summary judgment by September 29, defendants' will reply on the motion to dismiss and oppose the motion for summary judgment by October 15, and plaintiffs' will file a reply on their motion for summary judgment by October 28. Because the parties are in agreement on this schedule, we respectfully suggest that there is no need for a pre-motion conference. Thank you for your attention to this matter.

Respectfully submitted,

Barbara K. Hathaway
Barbara K. Hathaway
Assistant Attorney General

cc: Mark F. Horning, Esq. (Via fax)